



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

AUG 23 2001

Ms. Leslie J. McGeorge  
Assistant Commissioner  
Environmental Planning and Science  
New Jersey Department of  
Environmental Protection  
P.O. Box 418  
Trenton, NJ 08625-0418

Dear Ms. McGeorge:

I am writing to provide you with a copy of the final document entitled, "Derivation of New Jersey-Specific Wildlife Values as Surface Water Quality Criteria for: PCBs, DDT, Mercury." As you are aware, these proposed wildlife criteria were jointly developed by NJDEP, the U.S. Fish and Wildlife Service (FWS), and the U.S. Environmental Protection Agency (EPA) to address the Terms and Conditions of the FWS's Biological Opinion on the 1994 New Jersey Surface Water Quality Standards regarding the bioaccumulative effects of these pollutants on the Bald Eagle (*Haliaeetus leucocephalus*), and the Peregrine Falcon (*Falco peregrinus*). The criteria were derived using the Great Lakes Water Quality Initiative methodology developed by EPA and all available New Jersey-specific information on the species of concern.

Now that this document has been issued by the workgroup, NJDEP should initiate its rulemaking process to adopt these wildlife criteria into the New Jersey Surface Water Quality Standards. To this end, I am requesting that NJDEP provide EPA with a schedule outlining the proposed time frame for State adoption of these criteria. Please provide this schedule within 60 days from the date of this letter.


The purpose of the above document is to provide the State with a document which both explains and defends the policy and technical aspects of the three wildlife criteria which have been developed. NJDEP may choose to incorporate the document into its basis and background package as its criteria defense, or it may use any portions of the document which it believes are practical in its defense of the criteria. However, it remains the responsibility of NJDEP to prepare and provide all information and documentation required of them by State law in completing the adoption process.

In an effort to address NJDEP's concerns related to the implementation of these wildlife criteria, including available analytical detection methods, the use of fish tissue as the basis for regulating pollutants below the level of detection, and the requirements for water quality-based effluent

limitations which are set below the level of detection based upon very stringent water quality criteria for bioaccumulative chemicals, EPA provided NJDEP with guidance in a May 25, 2001 letter. Hopefully, this information was found to be constructive. As stated in this letter, my staff continues to be available to meet with your staff and the FWS to further discuss the implementation of the wildlife criteria.

We look forward to continuing to work with NJDEP in this effort to further improve New Jersey's Surface Water Quality Standards. If you have any questions, please contact me at (212) 637-3725 or have your staff contact Mr. Mario Del Vicario, Chief of the Community and Ecosystem Protection Branch at (212) 637-3779.

Sincerely yours,



George Pavlou, Director  
Division of Environmental Planning and Protection

Enclosure

cc: Kerry Kirk Pflugh, NJDEP, w/o enclosures  
Daniel Russell, USFWS, w/o enclosures  
Fred Luetner, OST-SHPD  
Marjorie Pitts, OST-SHPD